

REMARKS

This Response is being filed within three months of the Office Action outstanding, dated October 1, 2004. No new claims have been added. Accordingly, no new fees are required.

In the Office Action dated October 1, 2004, the Examiner objected to the drawings. In particular, the Examiner stated that website 50 in Figure 4 was confusing because the website was drawn in dash lines. Applicant submits replacement drawings herewith, wherein website 50 is shown in solid lines. Applicant believes the replacement drawings are in condition for acceptance.

In the Office Action dated October 1, 2004, the Examiner rejected claims 1-7 and 14-20 under 35 U.S.C. 101. By this response, Applicant hereby cancels claims 1-7 and 14-20 without prejudice.

In the Office Action dated October 1, 2004, the Examiner rejected claims 1-10, 12-16 and 18-20 under 35 U.S.C. 103(a) as allegedly being unpatentable over Stipanovich (US 5,117,353) in view of Wiesner (article cited by Applicant, reference 18) and Goldman (article cited by Applicant, reference 22). Applicant respectfully disagrees.

By this response, Applicant has canceled claims 1-7 and 14-20. Accordingly, Applicant will address claims 8-10 and 12-13. Applicant's independent claim 8 recites:

"A chef agency communication system comprising:

a client database including client information on a plurality of clients, wherein said client information includes the dietary preferences of each client;

a chef database including chef information on a plurality of native-trained chefs, wherein said chef information includes the type of ethnic cuisine prepared by each chef; and

a communication apparatus which is adapted to allow a client to access said chef database, and which is adapted to allow a chef to access said client database."

Accordingly, Applicant recites a communication system that allows a client to directly access information about a plurality of chefs, such as their ethnic specialties, and allows a chef to access information about particular clients, such as their dietary preferences. The claimed communication system, therefore, facilitates matching of a particular chef to a particular client for cooking of meals preferred by the client and prepared by an experienced chef.

Stipanovich discloses a system for use in a temporary help business. However, as stated by the Examiner, Stipanovich "lacks the particular application of the temporary help business to a chef service for clients having a dietary requirement that is to be met by the chef's ethnic ancestry and informal training." Accordingly, Stipanovich does not teach or suggest "a client database including client information on a plurality of clients, wherein said client information includes the dietary preferences of each client" as recited in claim 8. Additionally, Stipanovich does not teach or suggest "a chef database including chef information on a plurality of native-trained chefs, wherein said chef information includes the type of ethnic cuisine prepared by each chef" as recited in claim 8. Moreover, Stipanovich does not teach or suggest "a communication apparatus ... which is adapted to allow a chef to access said client database" as recited in claim 8. For these three different reasons, Stipanovich does not teach or suggest Applicant's invention as recited in claim 8 or corresponding dependent claims 9-10 and 12-14.

Goldman discloses a single person that works as a personal chef in other people's homes. The single chef of Goldman is not associated with any other chefs, and clients

have no access to information on other chefs through Goldman. Accordingly, Goldman does not teach or suggest "a chef database including chef information on a plurality of native-trained chefs, wherein said chef information includes the type of ethnic cuisine prepared by each chef" as recited in claim 8. Goldman does not teach any type of database at all. Moreover, Goldman does not teach or suggest "a communication apparatus which is adapted to allow a client to access said chef database, and which is adapted to allow a chef to access said client database" as recited in claim 8. For these reasons Goldman does not teach or suggest Applicant's invention as recited in claim 8 or corresponding dependent claims 9-10 and 12-14. One skilled in the art would not look to Goldman to cure the deficiencies of Stipanovich because Goldman does not disclose a communication system or a multiple employee help business.

Wiesner discloses a temporary agency in which chefs or cooks are supplied to businesses, wherein the business serves meals to its business patrons. "Chef Temps caters to businesses such as hotels, restaurants, clubs, hospitals, resorts, banks, business and even private dining facilities" by providing a temporary chef to supplement their existing staff of chefs. The business hiring the

chef is a middleman between the client and the chef. Wiesner does not teach or suggest any direct contact between patrons eating meals and the temporary chefs hired by the business. Accordingly, the chef does not know the particular dietary needs of the client and the client does not know the particular skills of the chef. Wiesner does not teach or suggest any communication system or databases to relay this information to patrons or chefs.

Wiesner does disclose that a "roster" of 100 chefs is kept on file. However, Wiesner does not disclose that any other information is compiled, or that the information is compiled in a database on the chefs, such as "a chef database including chef information on a plurality of native-trained chefs, wherein said chef information includes the type of ethnic cuisine prepared by each chef" as recited in claim 8. Additionally, Wiesner does not teach or suggest any information or "database" compiled on patrons because Wiesner does not teach or suggest that there is any contact between and the hired chefs and the patrons. Accordingly, Wiesner does not teach or suggest "a client database including client information on a plurality of clients, wherein said client information includes the dietary preferences of each client" as recited in claim 8. Moreover, Wiesner does not teach or suggest "a

communication apparatus which is adapted to allow a client to access said chef database, and which is adapted to allow a chef to access said client database." For these three separate reasons, Wiesner does not teach or suggest Applicant's independent claim 8 or corresponding dependent claims 9-10 and 12-14. One skilled in the art would not look to Wiesner to cure the deficiencies of Stipanovich because Wiesner does not disclose any type of communication that may be accessed by meal patrons or any information compiled on the patrons.

Furthermore, Applicant disagrees with the Examiner's assertion: "The examiner takes official notice that a home is a type of private dining facility." Wiesner explicitly lists "private dining facility" in its list of "businesses." The recitation of a private dining "facility" does not imply a home. A "facility" is defined as "something that is built, installed, or established to serve a particular purpose" (Webster's Ninth New Collegiate Dictionary, page 444, attached herewith), such as a dining hall. The Wiesner article deals exclusively with chefs that are hired by businesses to service the businesses patrons, without any direct contact between the patron and the chef. Even if a "private dining facility" does include a home, Wiesner does not teach or suggest either of the two

databases or the communication apparatus cited in Applicant's claim 8. The Examiner is improperly expanding the teachings of Wiesner after a reading of Applicant's disclosure. Wiesner does not teach or suggest Applicant's independent claim 8 or corresponding dependent claims 9-10 and 12-14.

Neither Stipanovich, Goldman or Wiesner, either alone or in combination, teach or suggest Applicant's chef agency communication system as recited in independent claim 8 and including a chef database, a client database, and a communication apparatus which allows the client and the chef to receive information about the other. Applicant respectfully requests the Examiner to allow claim 8 and corresponding dependent claims 9-10 and 12-14.

In the Office Action dated October 1, 2004, the Examiner rejects claim 11 under 35 U.S.C. 103(a) as allegedly being unpatentable over Stipanovich, Wiesner, and Goldman as applied to claim 8 above, and further in view of APCA and Malovany. The APCA and Malovany references do not supplement the teachings of Stipanovich, Wiesner, Goldman. Claim 11 is dependent on claim 8. Accordingly, for the reasons cited above, Applicant believes claim 11 is allowable over the cited references and respectfully requests the same.

Conclusion

Claims 8-13 are believed to be in condition for allowance, and such allowance is respectfully solicited. If the Examiner should have any questions regarding this response, a call to Applicant's counsel, Ms. Ingrid M. McTaggart at (503) 230-7934, is respectfully requested.

Respectfully submitted,


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I hereby certify that this correspondence is being sent via first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of December, 2004.

